

FILED IN OPEN COURT
U.S.D.C. Atlanta

JAN 17 2017

James N. Hatten, Clerk
By: *em* Deputy Clerk

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

ELVIN R. MITCHELL, JR.

Criminal Information

No. 1:17-CR-15

THE UNITED STATES ATTORNEY CHARGES THAT:

CONSPIRACY

Beginning on a date unknown, but at least from in or about 2010 to in or about August 2015, in the Northern District of Georgia and elsewhere, defendant ELVIN R. MITCHELL, JR., knowingly and willfully conspired and agreed with another person, to commit violations of the laws of the United States.

Background

At all times relevant to this Indictment:

1. ELVIN R. MITCHELL, JR. served as the owner and/or principal of the construction companies: (a) E.R. Mitchell Company; (b) Cascade Building System, LLC.; (c) E.R. Mitchell Group, Inc.; and (d) EC & WT Construction Company, Inc., d/b/a E.R. Mitchell Construction Co.

2. In an effort to obtain construction-related contracts with the City of Atlanta, Georgia, MITCHELL and at least one other person in the construction industry agreed to pay and paid an individual to obtain government contracts.

3. During the period of the conspiracy, MITCHELL paid over \$1,000,000 in bribe payments to said individual in exchange for City of Atlanta contracts,

believing at times that a portion of the money would be paid to city official/s who exercised influence over the contracting process.

Bribery

4. Defendant ELVIN R. MITCHELL, JR., knowingly and willfully conspired and agreed with another person, to corruptly give and offer a thing of value to an individual intending to influence and reward an agent of the City of Atlanta, Georgia (a local government that received benefits in excess of \$10,000 in federal assistance in each one-year period listed above), in connection with a transaction and series of transactions relating to the City of Atlanta that involved at least \$5,000, in violation of Title 18, United States Code, Section 666(a)(2).

5. In furtherance of the bribery conspiracy, MITCHELL committed following overt acts in the Northern District of Georgia:

- a. On or about January 27, 2011, MITCHELL withdrew at least \$70,000 in cash as payment to an individual to receive a City of Atlanta contract.
- b. Between on or about February 2 to 8, 2011, MITCHELL withdrew approximately \$200,000 in cash as payment to an individual to receive a City of Atlanta contract.
- c. On or about February 19, 2014, MITCHELL withdrew approximately \$150,000 in cash as payment to an individual to receive a City of Atlanta contract.
- d. On or about April 1, 2014, MITCHELL wired approximately \$110,000 in cash as payment to an individual to receive a City of Atlanta contract.

Money Laundering

6. Defendant ELVIN R. MITCHELL, JR., knowingly and willfully conspired and agreed with another person, to conduct and attempt to conduct a financial transaction affecting interstate commerce, where the transaction involved proceeds of specified unlawful activity, that is – proceeds generated from the bribery conspiracy described above, knowing that the transaction was designed in whole and in part: (a) to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity, and (b) to avoid a transaction reporting requirement under Federal law; and that while conducting such financial transaction knew that the property involved in the financial transaction was proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) and (ii).

7. In an effort to conceal the source and ownership of the proceeds from the above bribery scheme, MITCHELL committed the following overt acts in furtherance of the money laundering conspiracy:

- a. On or about June 23, 2011, MITCHELL withdrew approximately \$100,000 in cash.
- b. On or about April 1, 2014, MITCHELL withdrew more than \$140,000 in cash.

8. In an effort to avoid federal currency transaction reporting requirements, MITCHELL committed the following overt acts in furtherance of the money laundering conspiracy:

- a. On or about February 5, 2014, MITCHELL withdrew \$7,000 in cash;
- b. On or about February 7, 2014, MITCHELL withdrew \$2,500 in cash;

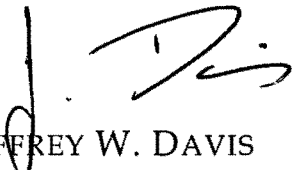
- c. On or about February 10, 2014, MITCHELL withdrew \$9,500 in cash;
- d. On or about February 14, 2014, MITCHELL withdrew \$9,500 in cash; and
- e. On or about February 18, 2014, MITCHELL withdrew \$9,500 in cash.

All in violation of Title 18, United States Code, Section 371.

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